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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,020	06/27/2001	Timothy Chung Hing Kwok	39475-000010	4979

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BAKER & MCKENZIE
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS, TX 75201

EXAMINER

LE, VIET Q

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/894,020 <i>UK</i>		KWOK, TIMOTHY CHUNG HING	
	Examiner		Art Unit	
	Viet Q. Le		2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: reference "floors 140" on line 15 of page 4 in the specification could not be located in figure 1.

Appropriate correction is required.

Claim Objections

2. Claim 5 is objected to because of the following informalities: "The system according to claim 5" should be corrected as "The system according to claim 4".

Appropriate correction is required.

3. Claim 9 is objected to because of the following informalities: Claim 9 recites the limitation "the modem" in line 1 of claim 9. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 8, 16 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Steven Holmsen Gardner (U.S. 6,854,059), hereinafter referred to as Gardner.

Regarding claims 1, 16 & 24, Gardner disclosed a system for providing access to a communications network via an electrical network of a building (See fig. 1 and the corresponding text describing this figure), comprising: a host unit (126) disposed inside the building and having a first interface and a second interface, the first interface being coupled to the communications network (124) via a connection device, the second interface being coupled to the electrical network (104) of the building via a power distribution facility (See column 2, lines 50-52; Power line network can access an internet network via connection through a MODEM or other internet access devices. Other network devices here can be understood as router, switch or hub devices. Other network devices here an also be understood as host for interacting between the routers and the electrical based subscribers connected on the power line network); and a subscriber unit (108) disposed inside the building and having a first interface that is coupled to the electrical network (104), the subscriber unit (108) being in communications with the host unit (126) via the electrical network (104) of the building, wherein the host unit (126) receives communications signals from the communications network (124) via the connection device, and wherein the subscriber unit (108) receives

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the communications signals from the host unit (126) via the electrical network (104) of the building (See fig. 1, blocks 108, 112; Subscribers like the PC communicating with the host and the MODEM through the power line network before connecting to the internet).

Regarding claim 8, In Gardner, the connection device is in communications with the communication network via public telecommunication network equipment (See fig. 1, block 126; see column 2, lines 50-52. The connection device here is the MODEM communicating with the Internet).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-3, 10, 13, 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner in view of White (US 2001/0047418).

Regarding claim 2, 3 and 18, Gardner disclosed a system for providing access to a communications network via an electrical network of a building as discussed above.

Gardner, however, fails to expressly disclose the use of DSL router to direct traffic to and from the Internet.

White discloses an Internet access system and a method for providing

High-speed Internet access from shareable locations using an existing telephone Infrastructure. DSL routers can be used to direct traffic to and from the Internet (See Paragraph 0047).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the DSL router to direct traffic to and from the internet for multiple users, the motivation being that by using the router, one can provide more users accessing to the Internet and reducing the cost of providing one for each user.

Regarding claim 10 & 15, Gardner differs from the claimed invention in that its system is set up for one single entity instead of a plurality of different entities and thus does not show the use of a plurality of host units and a plurality of subscriber units within the same building.

White discloses an Internet access system and a method for providing High-speed Internet access to a plurality of subscribers within the same building and a plurality of hosts and wherein a router is used to direct traffic to and from the internet for multiple subscriber units. (See Fig. 1 and the corresponding text describing this figure).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a router to connect to multiple hosts or users at different locations within the same building, the motivation being that by using the router, one can provide more hosts or users accessing to the Internet at the same time for cost saving purposes.

Regarding claim 13, Gardner, however, fails to disclose the connection device is in wireless communications with the communications network.

White discloses an Internet access system and a method for providing High-speed Internet access from shareable locations using an existing telephone infrastructure. Wireless link can be used to access the internet (See paragraph 0003).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use wireless communication for Internet access, the motivation being that by using the wireless communication, there are more flexibilities as far as the location of the users in accessing the Internet.

8. Claims 4-7, 9, 11-12, 14, 17, 19 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner in view of Avinoam (U.S. 6,088,368).

Regarding claims 4-5 and 19, Gardner disclosed a system for providing access to a communications network via an electrical network of a building as discussed above.

Gardner, however, fails to disclose the connection device is an Ethernet switch.

Avinoam discloses a system for transporting Ethernet over digital subscriber lines. An Ethernet switch is used to divide the network into multiple segments, And support simultaneous connections of multiple pairs of computers, which don't compete with other pairs of computers for network bandwidth. (See column 7, lines 31-33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Ethernet switch to provide flexibility for users to access the Internet for multiple users, the motivation being that by using the Ethernet switch, one can support simultaneous connections of multiple pairs of computers.

Regarding claims 6-7 and 17, Gardner, however, fails to disclose the connection

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device is an Ethernet hub.

Avinoam discloses a system for transporting Ethernet over digital subscriber lines. An Ethernet hub is used to provide a more economical connection for multiple users to the Internet. (See fig. 1, block 124).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Ethernet hub to provide flexibility for users to access the Internet for multiple users economically, the motivation being that by using the Ethernet hub, one can support simultaneous connections of multiple pairs of computers in a more economical way comparing to the use of Ethernet switch.

Regarding claim 9, Gardner, however, fails to disclose the modem is an asymmetric digital subscriber line ADSL modem.

Avinoam discloses a system for transporting Ethernet over digital subscriber lines. Asymmetric digital subscriber line (ADSL) is proposed to offer a downstream capacity of 6 Mbps or more to the home, ADSL has the downstream capacity to handle the most complex data transfers, such as full motion video, as well as upstream capacity of at least 500 Kbps. (See column 2, lines 63-67).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the ADSL MODEM to achieve a downstream capacity of 6 Mbps or more to the home, the motivation being that by using the ADSL MODEM, one can handle a most complex data transfers, such as full motion video.

Regarding claims 11-12, 14 and 22-23, Gardner, however, fails to disclose the use of at least one of the category 5 (CAT5) twisted pair cable, CAT3 twisted pair cable,

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single-mode optical fiber cable or multimode optical fiber cable.

Avinoam discloses the use of CAT-3 cable for Ethernet communication (See column 10, lines 50-52).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use CAT-3 cables for Ethernet communication, the motivation being that CAT-3 cable is the approved cable for Ethernet communication.

9. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner in view of Jacob (U.S. 6,483,903).

Regarding claim 20, Gardner disclosed a system for providing access to a communications network via an electrical network of a building as discussed above.

Gardner, however, fails to disclose host units to the connection device using category 5 (CAT5) twisted pair cables.

Jacob disclosed LANs are often constructed on the basis of twisted pairs of high grade, so-called CAT-5 copper cables (See column 1, lines 25-35).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use CAT-5 cables for Ethernet communication, the motivation being that CAT-5 cable is the approved cable for Ethernet communication.

Regarding claim 21, Gardner, however, fails to disclose the use of fiber connecting the plurality of the host units to the connection device.

Jacob disclosed LANs could be constructed on the basis of optical fiber (See column 9, lines 35-37).

It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to use optical fiber cables for Ethernet communication, the motivation being that fiber optical cable can be used to extend the reach from the hosts to the MODEM.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Yeshayahu Zalitzky et al. (U.S. 2003/0184433), Power line communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Q. Le whose telephone number is 571-272-2246. The examiner can normally be reached on 8 AM -5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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3/14/05